REMARKS

The July 17, 2007 Final Office Action was based on pending Claims 1, 3–6, 9 and 11–22. By this Response, Applicant is amending Claims 1, 14 and 18 is canceling Claim 11 without prejudice or disclaimer. Claims 3–6, 9, 12, 13, 15–17 and 19–22 remain as originally filed or as previously presented, and new Claims 23–25 have been added.

Thus, after entry of the foregoing amendments, Claims 1, 3–6, 9 and 12–25 are pending and presented for further consideration. In view of the foregoing amendments and the remarks set forth below, Applicant respectfully submits that Claims 1, 3–6, 9 and 12–25 are in condition for allowance.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTS

Submitted concurrently herewith is a Supplemental Information Disclosure Statement citing eight (8) references. Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make the references of record.

Please also note that Applicant has not received acknowledgement from the Examiner of the Supplemental Information Disclosure Statement filed on November 2, 2006. Applicant respectfully requests the Examiner to consider the pending claims in connection with the references listed in this previously submitted Information Disclosure Statement in order to make the references of record.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

The Final Office Action rejected Claims 1, 3–6, 9 and 12–22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,161,111 to Mutalik et al. ("Mutalik") in view of U.S. Patent No. 5,864,871 to Kitain ("Kitain"). Applicant respectfully disagrees with this rejection and submits that the foregoing claims are patentably distinguished over the cited references.

Amended Independent Claim 1

Focusing on amended independent Claim 1, in one embodiment of Applicant's invention a data retrieval system is disclosed comprising the following <u>three different computing devices</u>:

1) A first computing device having an interface module for retrieving data for a software application;

2) A second computing device coupled to the first computing device and to storage media for storing the data; and

3) A third computing device coupled to the interface module and to the second computing device.

Moreover, independent Claim 1 further recites <u>two different data structures</u> used by the retrieval system to determine the location of data:

1) A storage and backup map <u>stored on the third computing device</u> that maps data to the second computing device; and

2) A data index <u>stored on the second computing device</u> that indicates a particular location of the data on the storage media that is to be retrieved by the interface module of the first computing device.

Thus, the data retrieval system of Claim 1 has a multi-tiered approach for locating and retrieving stored data. The <u>storage and backup map on the third computing device</u> provides an indication of which computing device is in communication with the storage media storing the data. The <u>data index on the second computing device</u> provides the particular location of the data on the storage media. Thus, the claimed retrieval system advantageously allows the first computing device to retrieve the data from the storage media without knowing the location of the data when requested by the software application. <u>That is, the computing device requesting and retrieving the data (i.e., the first computing device) does not store the storage and backup map or the data index.</u>

Neither Mutalik, Kitain, nor the combination thereof, teaches or suggests the data retrieval system of Claim 1. For instance, neither of the references teaches or suggests a data retrieval system having three computing devices, wherein (i) one

computing device requests data, (ii) another computing device storing a <u>data index</u> provides the particular location of the requested data on the storage media, and (iii) yet another computing device that stores <u>a storage and backup map</u> indicates which computing device has the data index.

Mutalik

As shown and described with reference to Figure 1, Mutalik discloses a data processing system having a host (11) and a backup server (13) that access a mass storage subsystem (12). The backup server (13) generates a file map (40) that maps files to blocks on the mass storage subsystem (12) (see, e.g., col. 8, lines 35–40). In particular, the file map (40) provides an operating-system independent (back-up) map based on information received from the host (11) file system (see, e.g., col. 8, lines 34–63). Thus, both the host (11) and the backup server (13) appear to include parallel mappings of particular files to their locations of the mass storage subsystem.

The Mutalik system does not appear to have any teaching or suggestion of the multi-tiered approach of the system of independent Claim 1, which uses: (i) a storage and backup map that associates data, for retrieval by a first computing device, to a second computing device, wherein the map is stored on yet another (third) computing device, <u>and</u> (ii) a data index on the second computing device that provides the location of the data on the storage media.

In particular, on page 4, the Final Office Action makes the following associations with respect to Figure 1 of Mutalik and the features recited in Claim 1:

1)   host computer (11) = "first computing device"

2)   backup server (13) - "second computing device"

3)   mass storage subsystem (12) = "third computing device"

The Final Office Action appears to suggest that the file map (40) of Mutalik functions as the claimed "storage and backup map." The Final Office Action, however, does <u>not</u> identify on page 4 any teaching or suggestion by Mutalik of the claimed "data index" or how/why such a data index would be stored by the mass storage subsystem (12).

On pages 6 and 7, the Final Office Action appears to rely on a <u>different interpretation</u> of Mutalik as a basis for its rejection of Claim 1. In particular, the Final

Office Action suggests that the backup server (13) functions as <u>both</u> the claimed "second computing device" and the "third computing device storing a storage and backup map." With such an interpretation, Applicant is unable to see how Mutalik teaches or suggests "a third computing device communicatively coupled to . . . the second computing device [and] storing a storage and backup map that maps the data to the second computing device," as recited in independent Claim 1. Moreover, the Final Office Action does not appear to identify any teaching or suggestion by Mutalik of a <u>separate</u> "data index" that contains different information than the storage and backup map.

Kitain

Kitain appears to be cited in the Final Office Action for teaching an interface module. In particular, Kitain discloses a research delivery user module that presents information to a user as in a research information delivery system. The Kitain system, however, does not appear to teach or suggest the elements discussed above as missing from Mutalik. That is, Kitain, either alone or in combination with Mutalik, does not appear to teach or suggest (i) a storage and backup map that maps data of interest on storage media to a particular computing device <u>and</u> (ii) a data index on the particular computing device that provides the location of the data on the storage media.

Summary

Because the cited references, <u>either alone or in combination</u>, do not teach or suggest each element of the claimed retrieval system, Applicant asserts that Claim 1 is patentably distinguished over the cited references, and Applicant respectfully requests allowance of independent Claim 1.

Independent Claims 14 and 18

Independent Claims 14 and 18 are believed to patentably distinguished over the cited references for reasons similar to those set forth above with respect to independent Claim 1 and for the different features recited therein.

For example, neither Mutalik, Kitain, nor a combination thereof, teaches or suggests a data retrieval system having "a <u>plurality of computing devices</u>

communicatively coupled to [a] plurality of storage media[, a] retrieval module comprising <u>a storage and backup map</u> that maps the requested data to at least one of the plurality of computing devices; and a <u>data index</u> stored on the at least one of the plurality of computing devices that indicates to the retrieval module a particular location of the requested data on the plurality of storage media," as recited in independent Claim 14 (emphasis added).

Furthermore, neither Mutalik, Kitain, nor a combination thereof, teaches or suggests a method having "activating a retrieval module of a first computing device to find a particular location of data requested by a second computing device; <u>selecting . . . one of a plurality of third computing devices</u> . . . based at least in part upon instructions contained in <u>a storage map</u>; and determining according to <u>a data index</u> stored on the selected third computing device the particular location of the requested data on at least one storage media," as recited by independent Claim 18 (emphasis added).

<u>Dependent Claims 3–6, 9, 12, 13, 15–17 and 19–22</u>

Claims 3–6, 9, 12 and 13 depend from independent Claim 1 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 1 and for the additional features recited therein.

Claims 15–17 depend from independent Claim 14 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 14 and for the additional features recited therein.

Claims 19–22 depend from independent Claim 18 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 18 and for the additional features recited therein.

<u>NEW CLAIMS 23–25</u>

New Claims 23–25 have been added to more fully define Applicant's invention and are believed to be fully distinguished over the cited art.

<u>REPLY TO FINAL OFFICE ACTION'S RESPONSE TO APPLICANT'S ARGUMENTS</u>

The Final Office Action further states that the Examiner "gave detail [sic] explanation of claimed limitation and pointed out exact locations in the cited prior art."

Applicant appreciates the careful and thoughtful examination of the present application and Applicant's arguments. Applicant, however, respectfully submits that the cited art does not teach or suggest the claims as pending.

Moreover, the Final Office Action suggests that Applicant's previous arguments attempted to "show nonobviousness by attacking the references individually where the rejections [were] based on combinations of references." Applicant respectfully disagrees with the Final Office Action's characterization of Applicant's previous arguments and maintains that the cited references, either alone or in combination, do not teach or suggest every feature of the invention of independent Claim 1.

NO DISCLAIMERS OR DISAVOWALS

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicant's attorney can be reached at the general office number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.
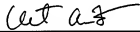
Moreover, by the foregoing remarks no admission is made that any of the above-cited references are prior art to the pending claims and/or are properly combinable. Furthermore, Applicant respectfully disagrees with the Examiner's characterization of the cited references and reserves the right to distinguish the substantive content of these references in response to any subsequent Office Action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: ____10/15/2007____   By: _____

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